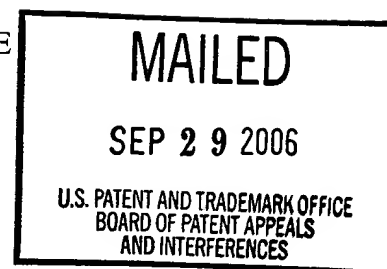


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LAURA J. BUTLER and GEORGE M. MOORE

Application No. 08/902,005



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 4, 2006 . A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

In the Evidence Relied Upon section of the Examiner's Answer mailed April 19, 2006, the Examiner cites the reference Lyons (5,623,656). However, the Lyons reference was not used to support the rejection of any of the claims. Use of the Lyons (5,623,656) reference could constitute a new ground of rejection. Clarification of the use of the Lyons reference is required.

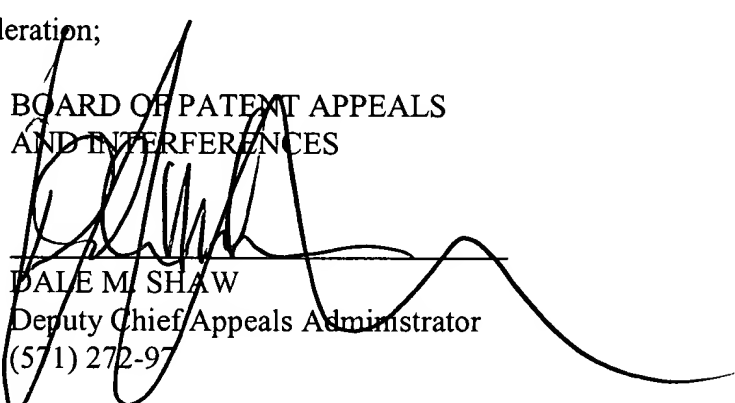
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) vacated the Examiner's Answer dated April 19, 2006;
- 2) issue a revised Examiner's Answer clarifying and/or setting forth all grounds of rejection, including approval by the Technology Center Group Director or his designee for any new ground of rejection; and
- 3) to notify appellants of such consideration;

BOARD OF PATENT APPEALS
AND INTERFERENCES


DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-97

DMS/dpv

Application No. 08/902,005

Lee & Hayes, PLLC
421 W. Riverside Ave.
Suite 500
Spokane, Wa 99201